

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CR-22-59-D
	)	
BARRY B. JACKSON, JR.,	)	
	)	
Defendant.	)	

**ORDER**

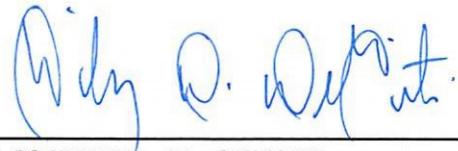
Currently pending before the Court are multiple motions filed by Defendant on May 22, 2022. One is a potentially dispositive motion to dismiss the Indictment under Fed. R. Crim. P. 12(b)(3) due to the alleged unconstitutionality of the criminal statute under which Defendant is charged, 18 U.S.C. § 922(g)(9). The resolution of this motion has been delayed by an interim decision of the Supreme Court in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022), and supplemental briefing of the parties. Other motions ask the Court to suppress evidence obtained from a traffic stop and custodial statements by Defendant that are alleged to be involuntary. These motions, which require evidentiary hearings, have tolled the running of the time limit to commence a trial under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(1)(D) and (G).

Without intimating a view of the merits of Defendant's motions, the Court finds that the current trial setting of August 9, 2022, does not permit sufficient time for an orderly disposition of the motions, effective trial preparation, and timely pretrial filings. *See* 7/6/22 Order [Doc. No. 35] (requiring trial-related filings by August 1, 2022). Under these

circumstances, the Court finds that this case will not be ready for a jury trial to begin August 9, 2022, and it should be continued to the next available trial docket.

**IT IS THEREFORE ORDERED** that this case is **STRICKEN** from the August 9, 2022 docket and **RESET** on the Court's September 13, 2022 jury trial docket. Motions in limine, requested voir dire, and requested jury instructions shall be filed by September 2, 2022; objections or responses shall be filed by September 7, 2022.

**IT IS SO ORDERED** this 27<sup>th</sup> day of July, 2022.



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TIMOTHY D. DeGIUSTI  
Chief United States District Judge